

Record of Conference and Orders: Vera M. Scanlon, USMJ

Date: 1/22/2016

Case: Bank v. Lifewatch

Civ. A. 15-2278 JB (VMS)

ECF Recording in 504N:

☒ Telephone Conference☐ In-person Conference

11:08 - 11:16

Counsel: (See separately docket entry or document for specific appearances)☒ Counsel for Plaintiff(s) ☐ Pro Se Plaintiff(s) ☒ Counsel for Defendant(s) ☐ Pro Se Defendant(s)Conference Type:☐ Initial Conference ☐ Status Conference ☐ Settlement Conference ☒ Motion Hearing ☐ Discovery Conference ☐ JPTO Conference ☐ OtherFurther to the conference, discovery and other scheduling dates are as follows:

(If dates previously set by the Court are not reset, they remain as stated in the previous order.)

☒ Motions decided on the record[30] is denied in part / is
not in part as noted below☐ Rule 26(a) disclosures, incl. supplements☐ Document requests to be served☐ Interrogatories to be served☐ Amended pleadings, incl. joinder☐ Complaint ☐ Answer☒ Joint status letter ☐ Stip of dismissal to be filed☒ Status conference☐ In person ☒ Telephone (718) 613-2300☐ Specific depositions to be held☐ Fact discovery closes☐ Expert disclosures to be served☐ Initial expert report(s) to be served☐ Rebuttal expert report(s) to be served☐ Expert discovery closes☐ All discovery closes☐ Joint letter confirming discovery is concluded☐ Summary judgment to be initiated☐ Joint pre-trial order to be filed☐ Proposed confidentiality order to be filed☐ Consent to Magistrate Judge to be filed☐ Settlement Conference☐ To be served☐ To be filed☐ On consent ☐ By motion ☐ By PMC letter

Date: 2/9/16 Time: 4:00 PM

To be organized by: D Lifewatch

Date:

Time:

* Counsel & I must be prepared to
discuss a final discovery schedule

Vera M. Scanlon, USMJ
Conference Orders, Continued

Case:

Bark v. Lefew et al

Civ. A.

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TT failed to participate in the telephone conference. During the call, DLefew's counsel confirmed that it had responded to Requests/Interrogatories # 4, 5, 6 and 9 (see footnote 2 of 1/4/16 letter) and had no response to Request/Interrogatory # 7, which it will confirm in writing. Thus, the motion as to these requests/interrogatories is moot. As to Interrogatory/Request # 8, the motion is denied as the interrogatory/request is ambiguous as to what TT means by "the basis of payments." As TT has now twice tried to explore the issue with inadequate requests/interrogatories, TT may not issue a third set on this issue but must use a deposition to explore the subject matter if discovery is sought. As to ^{Request} Interrogatory # 10, it suffers the same defect, so the motion is denied and no further request/interrogatory on the issue is permitted. As to Request/Interrogatory # 11, reference and production of the documents (purchase agreements)

Vera M. Scanlon, USMJ
Conference Orders, Continued

Case:

Baker, L. French

Civ. A.

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Date:

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is a sufficient response. D is not required to expound in writing on a description of goods/services already described in the purchase agreements, as the documents speak for themselves. As to IT's theory that D knew its providers used robo-calls and tacitly approved of them, IT must use other discovery devices to explore it. As to Request Interrogatory #12, as the response to #11 is proper, as are the other responses, D need not further respond to #12.

As to Interrogatory #2, D already informed IT that Sarah Baker had organized the effort to respond to discovery. Per the Court's 11/17/15 Order, the Baker deposition was to have been scheduled. If IT wishes to take the Baker deposition it must be scheduled expeditiously and confirmed by a letter to the Court by 1/22/16.